

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02314-EGS**

SOUTHERN UTAH WILDERNESS ALLIANCE et al v. U.S.
DEPARTMENT OF THE INTERIOR et al
Assigned to: Judge Emmet G. Sullivan

Cases: 1:17-cv-02505-TJK

1:17-cv-02673-EGS

1:17-cv-02825-TSC

1:18-cv-00579-RBW

Cause: 05:552 Freedom of Information Act

Plaintiff

**SOUTHERN UTAH WILDERNESS
ALLIANCE**

Date Filed: 11/02/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

represented by **Tosh Sagar**
EARTHJUSTICE
1625 Massachusetts Avenue, NW
Suite 702
Washington, DC 20036
(202) 797-4300
Fax: (202) 667-2356
Email: tsagar@earthjustice.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heidi Joy McIntosh
EARTHJUSTICE
633 17th Street
Suite 1600
Denver, CO 80202
(303) 996-9621
Fax: (303) 623-8083
Email: hmcintosh@earthjustice.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Yuting Chi
EARTHJUSTICE
633 17th Street
Suite 1600
Denver, CO 80202
(303) 996-9623
Email: ychi@earthjustice.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Laura Marie Colangelo Dumais
EARTHJUSTICE
1625 Massachusetts Avenue, NW
Suite 702
Washington, DC 20036
(202) 797-5250
Fax: (202) 667-2356
Email: ldumais@earthjustice.org
ATTORNEY TO BE NOTICED

Plaintiff

**NATURAL RESOURCES DEFENSE
COUNCIL, INC.**

represented by **Tosh Sagar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heidi Joy McIntosh
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Yuting Chi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Laura Marie Colangelo Dumais
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

WILDERNESS SOCIETY

represented by **Tosh Sagar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heidi Joy McIntosh
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Yuting Chi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Laura Marie Colangelo Dumais
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

GRAND CANYON TRUST

represented by **Tosh Sagar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heidi Joy McIntosh
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Yuting Chi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Laura Marie Colangelo Dumais
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

SIERRA CLUB

represented by **Tosh Sagar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heidi Joy McIntosh
(See above for address)

PRO HAC VICE
ATTORNEY TO BE NOTICED

Yuting Chi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Laura Marie Colangelo Dumais
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**GREAT OLD BROADS FOR
WILDERNESS**

represented by **Tosh Sagar**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heidi Joy McIntosh
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Yuting Chi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Laura Marie Colangelo Dumais
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF THE
INTERIOR**

represented by **April Denise Seabrook**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2525
Fax: (202) 252-2599
Email: april.seabrook@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damon William Taaffe
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2519
Fax: (202) 252-2599
Email: damon.taaffe@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. BUREAU OF LAND
MANAGEMENT**

represented by **April Denise Seabrook**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damon William Taaffe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**COUNCIL ON ENVIRONMENTAL
QUALITY**

represented by **April Denise Seabrook**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Damon William Taaffe
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Interested Party

LOS PADRES FORESTWATCH

represented by **Matt Kenna**
PUBLIC INTEREST
ENVIRONMENTAL LAW
679 E. 2nd Avenue
Suite 11B
Durango, CO 81301
(970) 749-9149
Email: mattkenna@gmail.com
TERMINATED: 06/28/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

FRIENDS OF THE EARTH

represented by **William Lawton**
MEYER GLITZENSTEIN & EUBANKS
LLP
4115 Wisconsin Avenue, NW
Suite 210
Washington, DC 20016
(202) 588-5206 ext 107
Fax: (202) 588-5049
Email: nlawton@meyerglitz.com
TERMINATED: 06/28/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

**CONSERVATION LANDS
FOUNDATION**

represented by **Dale Ratliff**
HOGAN LOVELLS US LLP
1601 Wewatta Street
Suite 900
Denver, CO 80202
(303)454-2477
Email: dale.ratliff@hoganlovells.com
TERMINATED: 06/23/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gary S. Guzy
COVINGTON & BURLING LLP
850 Tenth Street N.W.
One City Center

Washington, DC 20001
 (202) 662-5978
 Fax: (202) 778-5978
 Email: gguzy@cov.com
 TERMINATED: 06/28/2018
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Interested Party

**GRAND STAIRCASE ESCALANTE
 PARTNERS**

represented by **Gary S. Guzy**
 (See above for address)
 TERMINATED: 06/28/2018
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Interested Party

**SOCIETY OF VERTEBRATE
 PALEONTOLOGY**

represented by **Gary S. Guzy**
 (See above for address)
 TERMINATED: 06/28/2018
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/02/2017	<u>1</u>	COMPLAINT against U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR (Fee Status \$ 400 receipt number 0090-5188033) filed by GREAT OLD BROADS FOR WILDERNESS, SOUTHERN UTAH WILDERNESS ALLIANCE, GRAND CANYON TRUST, The Wilderness Society, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Civil Cover Sheet Attachment, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Summons Council on Environmental Quality, # <u>11</u> Summons Jessie K. Liu – US Attorney for D.C., # <u>12</u> Summons Jeff Sessions – US Attorney General, # <u>13</u> Summons US Bureau of Land Management, # <u>14</u> Summons US Department of the Interior)(Dumais, Laura) Modified to include receipt of payment on 11/6/2017 (jd). (Entered: 11/02/2017)
11/02/2017	<u>2</u>	ENTERED IN ERROR.....COMPLAINT against U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR (Filing fee \$ 400 receipt number 0090-5188033) filed by GREAT OLD BROADS FOR WILDERNESS, SOUTHERN UTAH WILDERNESS ALLIANCE, GRAND CANYON TRUST, The Wilderness Society, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB.(Dumais, Laura) Modified on 11/6/2017 (jd). (Entered: 11/02/2017)
11/02/2017	<u>3</u>	Corporate Disclosure Statement by GRAND CANYON TRUST.(Dumais, Laura) Modified to correct filing party on 11/6/2017 (jd). (Entered: 11/02/2017)
11/02/2017	<u>4</u>	Corporate Disclosure Statement by GREAT OLD BROADS FOR WILDERNESS. (Dumais, Laura) Modified to correct filing party on 11/6/2017 (jd). (Entered: 11/02/2017)
11/02/2017	<u>5</u>	Corporate Disclosure Statement by NATURAL RESOURCES DEFENSE COUNCIL, INC. (Dumais, Laura) Modified to correct filing party on 11/6/2017 (jd). (Entered: 11/02/2017)
11/02/2017	<u>6</u>	Corporate Disclosure Statement by SIERRA CLUB. (Dumais, Laura) Modified to correct filing party on 11/6/2017 (jd). (Entered: 11/02/2017)
11/02/2017	<u>7</u>	Corporate Disclosure Statement by SOUTHERN UTAH WILDERNESS ALLIANCE, The Wilderness Society. (Dumais, Laura) Modified to correct filing party on 11/6/2017 (jd). (Entered: 11/02/2017)

11/02/2017	<u>8</u>	Corporate Disclosure Statement by THE WILDERNESS SOCIETY. (Dumais, Laura) Modified to correct filing party on 11/6/2017 (jd). (Entered: 11/02/2017)
11/02/2017	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Heidi J. McIntosh, :Firm– Earthjustice, :Address– 633 17th Street, Suite 1600, Denver, CO 80202. Phone No. – 303–623–9466. Fax No. – 303–623–8083 Filing fee \$ 100, receipt number 0090–5188303. Fee Status: Fee Paid. by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, The Wilderness Society (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order)(Dumais, Laura) (Entered: 11/02/2017)
11/02/2017	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Yuting Chi, :Firm– Earthjustice, :Address– 633 17th Street, Suite 1600, Denver, CO 80202. Phone No. – 303–623–9466. Fax No. – 303–623–8083 Filing fee \$ 100, receipt number 0090–5188343. Fee Status: Fee Paid. by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, The Wilderness Society (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order)(Dumais, Laura) (Entered: 11/02/2017)
11/02/2017		Case Assigned to Judge Emmet G. Sullivan. (jd) (Entered: 11/06/2017)
11/06/2017	<u>11</u>	SUMMONS (5) Issued Electronically as to COUNCIL ON ENVIRONMENTAL QUALITY, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 11/06/2017)
11/06/2017	<u>12</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 11/06/17. (Attachments: # <u>1</u> Exhibit 1) (mac) (Entered: 11/06/2017)
11/27/2017	<u>13</u>	NOTICE of Appearance by Damon William Taaffe on behalf of All Defendants (Taaffe, Damon) (Entered: 11/27/2017)
11/27/2017		MINUTE ORDER granting <u>9</u> , <u>10</u> motions for leave to appear pro hac vice. Heidi McIntosh and Yuting Chi are hereby admitted to practice in this matter. Signed by Judge Emmet G. Sullivan on 11/27/2017. (lcegs3) (Entered: 11/27/2017)
11/30/2017	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney General. Date of Service Upon United States Attorney General on 11/13/2017. . (Dumais, Laura) Modified on 12/1/2017 to correct filer and docket text (jf). (Entered: 11/30/2017)
11/30/2017	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/13/2017. Answer due for ALL FEDERAL DEFENDANTS by 12/13/2017. (Dumais, Laura) (Entered: 11/30/2017)
11/30/2017	<u>16</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF THE INTERIOR served on 11/13/2017 (Dumais, Laura) (Entered: 11/30/2017)
11/30/2017	<u>17</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. BUREAU OF LAND MANAGEMENT served on 11/14/2017 (Dumais, Laura) (Entered: 11/30/2017)
11/30/2017	<u>18</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. COUNCIL ON ENVIRONMENTAL QUALITY served on 11/20/2017 (Dumais, Laura) (Entered: 11/30/2017)
12/13/2017	<u>19</u>	ANSWER to <u>1</u> Complaint by COUNCIL ON ENVIRONMENTAL QUALITY, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR.(Taaffe, Damon) Modified to add link on 12/14/2017 (znmw). (Entered: 12/13/2017)

02/12/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than March 12, 2018. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 2/12/2018. (lcegs3) (Entered: 02/12/2018)
02/12/2018		Set/Reset Deadlines: Joint Scheduling Order For Further Proceedings due by 3/12/2018. (mac) (Entered: 02/12/2018)
03/09/2018	<u>20</u>	NOTICE of Appearance by April Denise Seabrook on behalf of All Defendants (Seabrook, April) (Entered: 03/09/2018)
03/09/2018	<u>21</u>	Consent MOTION for Extension of Time to <i>File Joint Proposed Schedule</i> by COUNCIL ON ENVIRONMENTAL QUALITY, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR (Seabrook, April) (Entered: 03/09/2018)
03/13/2018		MINUTE ORDER granting <u>21</u> defendants' consent motion for extension of time to file joint proposed schedule. The parties shall therefore file their joint proposed schedule by March 19, 2018. Signed by Judge Emmet G. Sullivan on 3/13/2018. (lcegs3) (Entered: 03/13/2018)
03/13/2018		Set/Reset Deadlines: Joint Proposed Schedule due by 3/19/2018 (mac) (Entered: 03/13/2018)
03/19/2018	<u>22</u>	Joint STATUS REPORT and <i>Proposed Scheduling Order</i> by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, WILDERNESS SOCIETY. (Attachments: # <u>1</u> Text of Proposed Order)(Chi, Yuting) (Entered: 03/19/2018)
03/20/2018		MINUTE ORDER in view of <u>22</u> joint status report, in which the parties note their disagreements concerning document production deadlines, it is hereby ORDERED that the parties shall adhere to the following production schedule with respect to the plaintiffs' FOIA request: (1) CEQ shall finish processing 67% of all responsive electronic records and issue a FOIA response to plaintiffs with any additional records by April 2, 2018; (2) CEQ shall finish processing 100% of all responsive electronic records and issue a FOIA response to plaintiffs with any additional records by May 1, 2018; (3) CEQ shall begin processing responsive paper records by May 2, 2018; and (4) CEQ shall confer with plaintiffs regarding the number of potentially responsive paper records and the anticipated dates for release of those records by May 11, 2018. It is FURTHER ORDERED that defendants Department of Interior (DOI) and Bureau of Land Management (BLM) shall review 1,500 pages of potentially responsive records per month and release the responsive documents. DOI and BLM may make these releases available on the Interior website, but BLM and DOI MUST identify within each release the documents that are responsive to plaintiffs' six particular FOIA requests. It is FURTHER ORDERED that parties shall jointly file another status report by May 16, 2018. The status report should present additional proposed deadlines and recommendations for further proceedings. Signed by Judge Emmet G. Sullivan on 3/20/2018. (lcegs3) (Entered: 03/20/2018)
03/22/2018		Set/Reset Deadlines: Status Report due by 5/16/2018 (mac) (Entered: 03/22/2018)
05/15/2018	<u>23</u>	MOTION to Reassign Case <i>Related Cases</i> , MOTION to Consolidate Cases by U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Seabrook, April) Modified event title on 5/17/2018 (znmw). (Entered: 05/15/2018)

05/15/2018	<u>24</u>	MOTION for Reconsideration re Order,,,,, by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Declaration)(Taaffe, Damon) (Entered: 05/15/2018)
05/15/2018	<u>25</u>	NOTICE of Four Related Cases by COUNCIL ON ENVIRONMENTAL QUALITY, U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Exhibit – Notification and Motion)(Seabrook, April) (Entered: 05/15/2018)
05/16/2018	<u>26</u>	Joint STATUS REPORT and Proposed Scheduling Order by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, WILDERNESS SOCIETY. (Attachments: # <u>1</u> Exhibit A – List of Withholdings, # <u>2</u> Text of Proposed Order)(Chi, Yuting) (Entered: 05/16/2018)
05/21/2018		MINUTE ORDER directing plaintiffs to respond to <u>24</u> defendants' motion for reconsideration by no later than May 29, 2018. Signed by Judge Emmet G. Sullivan on 5/21/2018. (lcegs3) (Entered: 05/21/2018)
05/22/2018		Set/Reset Deadlines: Plaintiffs Response To <u>24</u> Defendants' Motion For Reconsideration due by 5/29/2018. (mac) (Entered: 05/22/2018)
05/22/2018		MINUTE ORDER directing all affected plaintiffs, including the plaintiffs in civil case numbers 17–2505, 17–2673, 17–2825, and 18–579, to respond to <u>23</u> defendants' motion to reassign the case by no later than June 6, 2018. The Clerk is directed to contact the affected plaintiffs in the related civil cases and direct them to file their responses on this docket as interested parties. The defendants are directed to file an omnibus reply to the plaintiffs' responses by no later than June 20, 2018. Signed by Judge Emmet G. Sullivan on 5/22/2018. (lcegs3) Modified on 5/23/2018 to correct case number from 17–2637 to 17–2673 (hmc). (Entered: 05/22/2018)
05/23/2018		Set/Reset Deadlines: Plaintiffs' responses to Defendants' <u>23</u> Motion to reassign the case due by 6/6/2018. Defendants' omnibus reply to plaintiffs' responses due by 6/20/2018. (hmc) (Entered: 05/23/2018)
05/29/2018	<u>27</u>	RESPONSE re <u>24</u> MOTION for Reconsideration re Order,,,,, filed by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, WILDERNESS SOCIETY. (Attachments: # <u>1</u> Text of Proposed Order)(Chi, Yuting) (Entered: 05/29/2018)
06/05/2018	<u>28</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION for Reconsideration re Order,,,,, by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR (Taaffe, Damon) (Entered: 06/05/2018)
06/06/2018		MINUTE ORDER granting <u>28</u> defendants' consent motion to extend the deadline to file reply in support of their motion for reconsideration. Defendants shall therefore reply by no later than June 12, 2018. Signed by Judge Emmet G. Sullivan on 6/6/2018. (lcegs3) (Entered: 06/06/2018)
06/06/2018	<u>29</u>	RESPONSE re <u>23</u> MOTION to Reassign Case MOTION to Consolidate Cases filed by LOS PADRES FORESTWATCH. (Kenna, Matt) (Entered: 06/06/2018)
06/06/2018		Set/Reset Deadlines: Defendant Reply due by 6/12/2018. (mac) (Entered: 06/06/2018)
06/06/2018	<u>30</u>	RESPONSE re <u>23</u> MOTION to Reassign Case MOTION to Consolidate Cases filed by FRIENDS OF THE EARTH. (Lawton, William) (Entered: 06/06/2018)
06/06/2018	<u>31</u>	RESPONSE re <u>23</u> MOTION to Reassign Case MOTION to Consolidate Cases filed by CONSERVATION LANDS FOUNDATION. (Attachments: # <u>1</u> Certificate of Service)(Ratliff, Dale) (Entered: 06/06/2018)
06/06/2018	<u>32</u>	RESPONSE re <u>23</u> MOTION to Reassign Case MOTION to Consolidate Cases filed by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, WILDERNESS SOCIETY. (Attachments: # <u>1</u> Text of Proposed Order)(Chi, Yuting) (Entered: 06/06/2018)

06/06/2018	<u>33</u>	RESPONSE re <u>23</u> MOTION to Reassign Case MOTION to Consolidate Cases filed by CONSERVATION LANDS FOUNDATION, GRAND STAIRCASE ESCALANTE PARTNERS, SOCIETY OF VERTEBRATE PALEONTOLOGY. (Attachments: # <u>1</u> Exhibit)(Guzy, Gary) (Entered: 06/06/2018)
06/12/2018	<u>34</u>	REPLY to opposition to motion re <u>24</u> MOTION for Reconsideration re Order,,,,, filed by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR. (Taaffe, Damon) (Entered: 06/12/2018)
06/20/2018	<u>35</u>	REPLY to Opposition to re: <u>23</u> to Reassign Case Related Cases, MOTION to Consolidate Cases filed by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR. (Seabrook, April) Modified text and linkage on 6/21/2018 (ztd). (Entered: 06/20/2018)
06/22/2018		MINUTE ORDER. On May 15, 2018, the Department of Interior ("DOI") filed <u>23</u> a motion to reassign three cases to this Court and/or consolidate four cases with the instant case. See Mot., ECF No. 23 (requesting consolidation of civil case numbers 17-2505, 17-2825, 17-2673, and 18-579). The Court hereby DENIES this motion. The Department of Interior requests consolidation "for all purposes" in order to promote judicial efficiency, arguing that the five FOIA cases are "substantially similar." The Court may consolidate actions "that involve a common question of law or fact" pursuant to Federal Rule of Civil Procedure 42(a). The Court "enjoys substantial discretion in deciding whether and to what extent to consolidate cases." Hall v. Hall, 138 S.Ct. 1118, 1131 (2018). It so doing, however, the Court "must weigh the risk of prejudice and confusion wrought by consolidation against the risk of inconsistent rulings on common factual and legal questions, the burden on the parties and the court, the length of time, and the relative expense of proceeding with separate lawsuits if they are not consolidated." Natl. Assn of Mortg. Brokers v. Bd. Of Governors of Fed. Reserve Sys., 770 F. Supp. 2d 283, 286 (D. D.C. 2011). The Court disagrees with DOI that these five cases are sufficiently similar such that consolidation is warranted. The five FOIA cases request different information concerning different national monuments. For example, civil case number 18-579 concerns the Carrizo Plain National Monument, while civil case number 17-2673 concerns the Bears Ears National Monument, and civil case number 17-cv-2825 concerns the Grand Staircase-Escalante National Monument. Moreover, the FOIA requests vary in scope and concern different issues related to these monuments. To illustrate, civil case number 17-cv-2505 seeks records related to Associate Deputy Secretary James Cason's role in the national monument review, while other requests seek records related the monument review process more generally. In light of these differences, the Court does not believe that consolidation will necessarily lead to more efficient adjudication. Compare with Judicial Watch, Inc. v. U.S. Dept of Energy, 207 F.R.D. 8, 9 (D.D.C. 2002) (finding that consolidation was appropriate because the cases involved "essentially identical FOIA requests" and would involve the release of "identical documents"). Moreover, consolidation could delay litigation in each individual suit, possibly prejudicing certain plaintiffs. Indeed, DOI seeks consolidated briefing schedules regarding any disputed exemptions, yet the cases are already in varying stages. A consolidated briefing schedule could unnecessarily delay resolution for certain plaintiffs that wish to challenge exemptions on different timelines. This delay is a real possibility for the plaintiffs that seek a narrower subset of records. Finally, the Court disagrees that consolidation will result in efficiency because it will "eliminate the need for more than one judge to familiarize themselves with the issues presented." For one, Judge Kelly has already issued a production schedule in his case. See Civil case number 17-2505, ECF No. 12 (ordering an expedited production schedule). Additionally, Judge Chutkan, presiding over civil case number 17-2825, is also presiding over the same plaintiff's challenge to the President's decision to reduce the size of the Grand Staircase-Escalante National Monument. See Civil case number 17-2591. Signed by Judge Emmet G. Sullivan on 6/22/2018. (lcegs3) (Entered: 06/22/2018)
06/22/2018		MINUTE ORDER in view of <u>24</u> DOI's motion for reconsideration and <u>27</u> plaintiff's reply, the parties are ordered to attend a status hearing on June 29, 2018 at 3:00 pm in Courtroom 24A. Signed by Judge Emmet G. Sullivan on 6/22/2018. (lcegs3) (Entered: 06/22/2018)
06/22/2018		Set/Reset Hearings: Status Conference set for 6/29/2018 at 3:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (mac) (Entered: 06/22/2018)

06/28/2018		MINUTE ORDER clarifying that only counsel for the plaintiffs and defendants in case number 17-cv-2314 are required to attend the June 29, 2018 status conference. Signed by Judge Emmet G. Sullivan on 6/28/2018. (lcegs3) (Entered: 06/28/2018)
06/29/2018		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 6/29/2018. The Court Will Deny <u>24</u> MOTION for Reconsideration. Plaintiff Supplement due on 7/2/2018 By 12:00PM. (Court Reporter JANICE DICKMAN.) (mac) (Entered: 07/02/2018)
07/02/2018	<u>36</u>	NOTICE of Proposed Order (<i>Plaintiffs' Supplement</i>) by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, WILDERNESS SOCIETY re Status Conference, Set Deadlines (Attachments: # <u>1</u> Text of Proposed Order Plaintiffs' Supplement)(Chi, Yuting) (Entered: 07/02/2018)
07/02/2018	<u>37</u>	NOTICE of Proposed Order (<i>Parties' Joint Proposed Order, Superseding ECF No. 36</i>) by U.S. BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR re <u>36</u> Notice of Proposed Order, (Attachments: # <u>1</u> Text of Proposed Order)(Taaffe, Damon) (Entered: 07/02/2018)
07/02/2018		MINUTE ORDER. The Court adopts much of the language in [37-1] the parties' proposed amended supplemental order. At the June 29, 2018 status hearing, the Court considered and denied <u>24</u> defendants' motion for reconsideration for lack of good cause. The Court also denied the defendants' motion for "clarification," finding that its March 20, 2018 Minute Order was sufficiently clear that DOI was required to identify within each release the documents that are responsive to plaintiffs' six particular FOIA requests. By posting large volumes of documents under broad subheadings, DOI failed to comply with the Court's Order. Therefore, by no later than August 1, 2018, DOI and BLM must bring its May 8, 2018 and June 15, 2018 releases into compliance with the Court's March 20, 2018 Minute Order by creating six categories on the DOI website that are each labeled with the assigned tracking number of Plaintiffs six FOIA requests (1) OS-2017-00387; (2) S-2017-00538; (3) OS-2017-00753/BLM-2017-00945; (4) OS-2017-01092; (5) OS-2017-01105; and (6) OS-2017-01143/BLM-2017-01070, and filing therein the corresponding responsive records. In the interest of clarity, the Court reiterates the following Order, which the government must follow for all future releases: (1) DOI and BLM are ORDERED to review 1,500 pages of potentially responsive documents per month and release the responsive documents by the 15th of each month (however, DOI and BLM may issue its July 2018 release on August 1, 2018); and (2) DOI and BLM are ORDERED to identify the documents that are responsive to plaintiffs' six particular FOIA requests by creating six categories on the DOI website that are each labeled with the assigned tracking number of Plaintiffs six FOIA requests (1) OS-2017-00387; (2) S-2017-00538; (3) OS-2017-00753/BLM-2017-00945; (4) OS-2017-01092; (5) OS-2017-01105; and (6) OS-2017-01143/BLM-2017-01070, and filing therein the corresponding responsive records. The parties are FURTHER ORDERED to file a joint status report by no later than August 22, 2018 presenting the Court with additional proposed deadlines and recommendations for further proceedings. Signed by Judge Emmet G. Sullivan on 7/2/2018. (lcegs3) (Entered: 07/02/2018)
07/03/2018		Set/Reset Deadlines: Joint Status Report due by 8/22/2018. (mac) (Entered: 07/03/2018)
07/20/2018	<u>38</u>	TRANSCRIPT OF PROCEEDINGS before Judge Emmet G. Sullivan held on June 29, 2018; Page Numbers: 1-9. Date of Issuance: July 19, 2018. Court Reporter Janice Dickman, Telephone number 202-354-3267, Transcripts may be ordered by submitting the Transcript Order Form<P></P><P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.<P> NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.<P></P>Redaction Request due

		8/10/2018. Redacted Transcript Deadline set for 8/20/2018. Release of Transcript Restriction set for 10/18/2018.(Dickman, Janice) (Entered: 07/20/2018)
08/22/2018	<u>39</u>	Joint STATUS REPORT <i>and Proposed Scheduling Order</i> by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, WILDERNESS SOCIETY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Chi, Yuting) (Entered: 08/22/2018)
08/23/2018		MINUTE ORDER in view of <u>39</u> joint status report, the Court adopts the parties' recommendations on pages 7 and 8 and directs the parties to file another joint status report by October 31, 2018. Signed by Judge Emmet G. Sullivan on 8/23/2018. (lcegs3) (Entered: 08/23/2018)
08/24/2018		Set/Reset Deadlines: Joint Status Report due by 10/31/2018. (mac) (Entered: 08/24/2018)
10/31/2018	<u>40</u>	Joint STATUS REPORT <i>and Proposed Order</i> by GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, WILDERNESS SOCIETY. (Attachments: # <u>1</u> Text of Proposed Order)(Chi, Yuting) (Entered: 10/31/2018)
11/02/2018		MINUTE ORDER in view of <u>40</u> joint status report, it is hereby ordered that defendants shall continue to process 1500 pages per month on the 15th day of each month (or the following business day, if the 15th fall on a weekend or holiday) in accordance with the Court's July 2, 2018 Minute Order. It is further ordered that the defendants shall continue providing plaintiffs with a Vaughn index to accompany each monthly release. Finally, the parties shall continue to confer regarding the adequacy of CEQ's production and any claimed exemptions. The parties shall file another joint status report by no later than January 31, 2019. Signed by Judge Emmet G. Sullivan on 11/2/2018. (lcegs3) (Entered: 11/02/2018)
11/02/2018		Set/Reset Deadlines: Joint Status Report due by 1/31/2019. (mac) (Entered: 11/02/2018)
01/17/2019	<u>41</u>	NOTICE of Appearance by Tosh Sagar on behalf of GRAND CANYON TRUST, GREAT OLD BROADS FOR WILDERNESS, NATURAL RESOURCES DEFENSE COUNCIL, INC., SIERRA CLUB, SOUTHERN UTAH WILDERNESS ALLIANCE, WILDERNESS SOCIETY (Sagar, Tosh) (Entered: 01/17/2019)